

THIRTY-FOURTH DAY

(Continued)

(Friday, March 8, 1935)

The House met at 10 o'clock a. m., and was called to order by Speaker Stevenson.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today by unanimous consent, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Stanfield:

H. B. No. 739, A bill to be entitled "An Act making an appropriation of \$2,500 to make necessary repairs upon the administration building at West Texas State Teachers College, and \$7,500 for materials to construct and finish a men's dormitory now under construction, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Stanfield, Mr. Patterson, Mr. Westfall, Mr. Padgett, Mr. England, Mr. Head, Mr. Scarborough, Mr. Lanning, Mr. Tarwater, and Mr. Cagle:

H. B. No. 740, A bill to be entitled "An Act to amend House Bill No. 551, Chapter 141, page 210, of the General and Special Laws of the Regular Session, the Fortieth Legislature, March 3, 1927, as amended by House Bill No. 799, Chapter 246, page 414, of the General Laws of the Forty-second Legislature, approved August 27, 1931, and effective August 31, 1931, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Morris, Mr. Graves, Mr. Wood of Harrison, Mr. Craddock, and Mr. Bradbury:

H. B. No. 741, A bill to be entitled "An Act making it unlawful to use, keep, exhibit or in any manner to be interested in using, keeping or exhibiting, on or about his premises, or place of business, any table, marble machine or device used, played or operated by the insertion of a coin or metallic slug therein; fixing penalties, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Wood of Harrison and Mr. Russell:

H. B. No. 742, A bill to be entitled "An Act amending Subdivision 41, Section 1, Chapter 212, Acts of the Regular Session of the Forty-second Legislature, levying a tax upon all persons, firms, or corporations who produce or distribute cement in this State, providing that the occupation tax on cement shall be five cents (5c) per one hundredweight, or fractional part thereof, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Rutta and Mr. Westfall:

H. B. No. 743, A bill to be entitled "An Act amending Article 1104, Article 1105, Article 1106, and Article 1111 of the Penal Code, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Shofner:

H. B. No. 744, A bill to be entitled "An Act providing for procedure in change of venue in felony cases in the discretion of the court, providing for transfer of jury from county to which venue has been transferred to county of original prosecution, providing judge of foreign county shall also proceed to county of original prosecution and preside at the trial of such case; fixing fees for jurors; prescribing qualifications of jurors, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Adkins and Mr. Gray:

H. B. No. 745, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Central Colorado River Authority, pursuant to and for the purpose set forth in Section 59, of Article XVI, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges, and

functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited, etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Duvall:

H. B. No. 746, A bill to be entitled "An Act amending Article 3886, Revised Civil Statutes, 1925, as amended by Senate Bill No. 209, Chapter 220, Acts Regular Session, Forty-third Legislature, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Gray:

H. B. No. 747, A bill to be entitled "An Act amending Section 6 (a), Chapter 44, of the Acts of the Regular Session of the Forty-third Legislature, by reducing the minimum bond required from one thousand dollars (\$1,000) to five hundred dollars (\$500), and providing that for bonds not exceeding one thousand dollars (\$1,000), the Comptroller may accept a deposit of cash or United States bonds as security in lieu of a surety company, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Quinn, Mr. Pope, Mr. Nicholson, and Mr. Calvert:

H. B. No. 748, A bill to be entitled "An Act to amend Article 836, Title 22, Chapter 8, of the Revised Civil Statutes of 1925, providing that governing bodies of any county, city, town, or trustees of any independent school district or school community shall invest their respective sinking fund for the redemption and payment of the outstanding bonds of such city, town, or community in bonds issued by such county, city, town, school district, or community maintaining such sinking fund, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Alexander and Mr. Tarwater:

H. B. No. 749, A bill to be entitled "An Act amending Section 1, Section

2, Section 4, Section 5, Section 6, Section 7, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 15, House Bill No. 247, Chapter 44, General Laws of the Regular Session of the Forty-third Legislature, and providing that venue of criminal prosecution shall be in Travis County or in the county where an offense is committed; providing that conviction may be had upon the uncorroborated testimony of an accomplice, etc."

Referred to Committee on Revenue and Taxation.

By Mr. Nicholson, Mr. Quinn, and Mr. McKee:

H. B. No. 750, A bill to be entitled "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision excepting farm products when offered for sale by the producer, from the operation of the article, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Clayton:

H. B. No. 751, A bill to be entitled "An Act reappropriating the unexpended balance of the appropriation made for contingent expenses of the Third Called Session of the Forty-third Legislature for the purpose of paying contingent expenses of the Fourth Called Session of the Forty-third Legislature and supplementing the appropriation made for that purpose, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Fitzwater:

H. B. No. 752, A bill to be entitled "An Act making it unlawful to transport any uncompressed cotton over the highways in the State of Texas, with exceptions; fixing penalties, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Adkins (by request):

H. B. No. 753, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer, wild turkey, or wild quail of any species, for a period of three (3)

years in McCulloch County, Texas; fixing penalty, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Jones of Shelby:

H. B. No. 754, A bill to be entitled "An Act prohibiting the taking or possession of any squirrel or quail in Shelby County for a period of two years following the passage of this Act; providing a penalty, repealing all laws in conflict with this Act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Luker, Mr. Hunt, Mr. King, Mr. Fisher, Mr. Young, and Mr. Tennyson:

H. B. No. 755, A bill to be entitled "An Act defining certain words, terms, phrases; imposing an occupation or excise tax on first sale of cigarettes, according to weight, with certain exception; providing payment of tax shall be evidenced by stamps affixed to each individual package, said stamps to be purchased in unbroken sheets of one hundred (100) stamps only from Treasurer only except through requisition from Comptroller; provided stamps may be purchased and affixed to packages of cigarettes by manufacturer thereof outside the State, exempting same from further taxation, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Pope:

H. B. No. 756, A bill to be entitled "An Act to amend Article 689, Chapter 7, Title 11, of the Penal Code, 1925, prescribing the punishment for the laws set out in said Chapter 7."

Referred to Committee on Criminal Jurisprudence.

By Mr. Keefe:

H. B. No. 757, A bill to be entitled "An Act to amend Chapter 2, of Title 116, of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article to be known as 'Article 6711a,' providing that upon application of ten or more resident citizens of counties of the State of Texas having not less than 34,000 nor more than 35,000 population, according to the last Federal Census, or one per-

son living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes, or bays in counties of the State of Texas having not less than 34,000 nor more than 35,000 population, according to the last Federal Census, etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Pope:

H. B. No. 758, A bill to be entitled "An Act to amend Article 995, Chapter 1, Title 14, prescribing the penalty for the crime of forgery the same as that of theft of the same amount of property involved; repealing all laws and parts of laws in conflict with this Act."

Referred to Committee on Criminal Jurisprudence.

By Mr. Pope:

H. B. No. 759, A bill to be entitled "An Act to amend Article 996, Chapter 1, Title 14, of the Penal Code of 1925; prescribing the punishment for the passing of forged instruments."

Referred to Committee on Criminal Jurisprudence.

By Mr. Pope:

H. B. No. 760, A bill to be entitled "An Act to amend Article 998, Chapter 1, Title 14, of the Penal Code, 1925; prescribing the punishment for the possession of a forged instrument with intent to pass the same."

Referred to Committee on Criminal Jurisprudence.

By Mr. Farmer:

H. B. No. 761, A bill to be entitled "An Act to provide for the protection, welfare, and relief of aged persons in need and resident in the State of Texas; providing the method therefor; making an appropriation therefor; levying a tax, and prescribing penalties for the violation of the provision of this Act, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Reed of Bowie:

H. B. No. 762, A bill to be entitled "An Act providing that no license may be issued an agent until proof of solvency and stability of the company, association, or society sought to be represented has been furnished the Insurance Department; providing permit must be carried on the person of the agent; providing for the issuance of separate permits for each company represented; providing for license fee; fixing a penalty, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Beck and Mr. Reed of Bowie:

H. B. No. 763, A bill to be entitled "An Act providing for relief for the Hooks Independent School District of Bowie County, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on the eleventh day of February, A. D. 1935; providing for work relief; making an appropriation to said district for said property, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. McConnell:

H. B. No. 764, A bill to be entitled "An Act to protect laboring people from being defrauded out of their labor and wages by defunct and irresponsible oil, gas, mining, and contracting persons, firms, or corporations, and declaring an emergency."

Referred to Committee on Labor.

By Mr. McConnell:

H. B. No. 765, A bill to be entitled "An Act to provide ample protection to our ranchmen, farmers and horticulturists; providing for the buying, selling, marketing and shipping of any and all kinds of farming, ranching, horticultural, and agricultural products, produce, vegetables, fruits, hides, furs, live stock or poultry; providing for establishments of canneries and canning companies, and to can, dry, and preserve vegetables, fruits, meats, produce, and farm products, etc., and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Celaya:

H. B. No. 766, A bill to be entitled "An Act levying a tax of five per cent of the total sum or amount of each mortgage or other evidence of indebtedness held by any person, firm, company, partnership, or corporation engaged in the business of loaning money on automobiles, including all brokers and finance companies; and designating the holders of such evidences of indebtedness as automobile loan brokers for the purposes of this Act, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Celaya and Mr. McKee:

H. B. No. 767, A bill to be entitled "An Act to amend Article 6814 of the Revised Civil Statutes, 1925, relating to the salary of the Commissioner of the Bureau of Labor Statistics and members of his enforcement staff; changing the number of deputies and inspectors, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Young and Mr. Morse:

H. B. No. 768, A bill to be entitled "An Act providing for the regulation and control of the manufacture of and traffic in alcoholic liquors; making it the duty of the Tax Commissioner of the State of Texas to administer and enforce said regulations and defining his powers and duties; providing for the levy, assessment and collection of certain taxes and for a system of licenses and permits; defining certain offenses and prescribing the punishment therefor; making an appropriation; providing the rules of construction, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. King:

H. B. No. 769, A bill to be entitled "An Act describing and declaring an extreme emergency and great public calamity to exist within the State of Texas and declaring it to be the policy of the Legislature to extend aid and afford relief in order that resources of the State may be conserved and that industry and pursuits may be re-

habilitated and public credit and confidence restored, providing that the State of Texas shall pay out of the funds, in the manner and under the conditions stipulated, all indebtedness legally authorized prior to January 1, 1934, of all counties, cities, towns, districts, and municipalities of the State, as evidenced by bonds and or interest bearing time warrants, and providing that certain securities shall be presumed to be legal, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today by unanimous consent, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Reed of Bowie:

H. J. R. No. 45, Proposing an amendment to the State Constitution, providing a means of paying off road indebtedness heretofore incurred by political subdivisions of the State.

Referred to Committee on Constitutional Amendments.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, March 8, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 23, Inviting Hon. James A. Moffett, National Housing Administrator, to address a Joint Session of the Legislature on Monday, March 18, 1935.

The following have been appointed on the part of the Senate: Senators Rawlings and Hopkins.

Respectfully,

BOB BARKER,
Secretary of the Senate.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 90

The Speaker laid before the House, for consideration at this time, the conference committee report on Senate Bill No. 90;

The report having been printed in the Journal on Wednesday, March 6.

Mr. Tennyson moved that the report be adopted.

Mr. Reed of Bowie moved that the report be not adopted, and that a new conference committee be appointed to adjust the differences between the two houses.

Question first recurring on the motion by Mr. Reed of Bowie, it was lost.

Question next recurring on the motion by Mr. Tennyson, that the report be adopted, it prevailed by the following vote:

Yeas—128

Adamson	Harris of Archer
Adkins	Harris of Dallas
Alexander	Hartzog
Ash	Head
Atchison	Herzik
Beck	Hill
Bergman	Hodges
Bradbury	Hofheinz
Bradford	Holland
Broyles	Hoskins
Burton	Howard
Butler of Brazos	Huddleston
Butler of Karnes	Hunt
Cagle	Hunter
Caldwell	Jackson
Calvert	James
Celaya	Jones of Atascosa
Clayton	Jones of Falls
Collins	Jones of Runnels
Colquitt	Jones of Shelby
Colson	Jones of Wise
Cooper	King
Craddock	Knetsch
Crossley	Lanning
Daniel	Latham
Davison of Fisher	Leath
Davisson	Lemens
of Eastland	Lindsey
Dickison	Lotief
Dunagan	Lucas
Dunlap of Hays	Luker
Duvall	Mauritz
Dwyer	McCalla
England	McConnell
Fain	McFarland
Farmer	McKee
Fisher	McKinney
Fitzwater	Moffett
Ford	Moore
Fox	Morris
Fuchs	Morrison
Gibson	Morse
Glass	Newton
Graves	Nicholson
Gray	Olsen
Hankamer	Padgett
Hardin	Palmer

Patterson	Stanfield
Payne	Steward
Petsch	Stinson
Quinn	Stovall
Reader	Tarwater
Reed of Bowie	Tennyson
Reed of Dallas	Thornton
Roach of Angelina	Tillery
Roach of Hunt	Venable
Roane	Waggoner
Roark	Walker
Roberts	Wells
Rogers	Westfall
Russell	Wood of Harrison
Settle	Wood of Montague
Shofner	Young
Smith	Youngblood
Spears	

Nays—5

Aikin	Rutta
Bourne	Scarborough
Good	

Absent

Cowley	Jefferson
Davis	Lange
Dunlap of Kleberg	Leonard
Greathouse	Pope
Hyder	Riddle

Absent—Excused

Alsup	Keefe
Canon	Worley
Frazer	

LEAVE OF ABSENCE GRANTED

On motion of Mr. Hunt, by unanimous consent of the House, Mr. Alsup was granted leave of absence for today, on account of important business.

HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING

The Speaker laid before the House, as pending business,

H. J. R. No. 1, Proposing an amendment to Article XVI, of the Constitution of the State of Texas, by striking out Section 20a to Section 20e, both inclusive; providing for a local option on the question of the sale of intoxicating liquors for beverage purposes; vesting in the Legislature the power to regulate the manufacture, sale, and traffic in intoxicating liquors; providing that intoxicating liquors shall not be manufactured, sold, bartered, or exchanged for beverage purposes in any county or political subdivision wherein the sale of intoxicating liquors had been prohibited by local option elections held

under the laws in force at the time of the taking effect of Section 20, Article XVI, of the Constitution of the State of Texas, etc.;

The resolution having heretofore been read second time, with amendment by Mr. Morse, and substitute by Mr. Fox for the amendment by Mr. Morse, pending.

Mr. Morse asked unanimous consent of the House that the word "or" be added between the words "and" and "sale" in the pending amendment offered by himself.

There was no objection offered, and it was so ordered.

Mr. Morse moved to table the substitute amendment by Mr. Fox.

The motion to table was lost by the following vote:

Yeas—42

Bradford	Knetsch
Butler of Brazos	McCalla
Butler of Karnes	McKee
Caldwell	Moore
Celaya	Morse
Clayton	Newton
Colson	Nicholson
Duvall	Padgett
Ford	Patterson
Fuchs	Reader
Good	Reed of Dallas
Hankamer	Roane
Hardin	Russell
Harris of Dallas	Rutta
Hofheinz	Scarborough
Holland	Stanfield
Howard	Stinson
Hunter	Tarwater
Jackson	Thornton
James	Waggoner
King	Young

Nays—76

Adamson	Davisson
Adkins	of Eastland
Aikin	Dunagan
Ash	Dunlap of Hays
Atchison	England
Beck	Fain
Bergman	Farmer
Bourne	Fisher
Bradbury	Fitzwater
Broyles	Fox
Burton	Gibson
Cagle	Glass
Collins	Graves
Colquitt	Gray
Craddock	Harris of Archer
Crossley	Head
Daniel	Hodges
Davison of Fisher	Hoskins

Huddleston	Morrison
Hunt	Palmer
Jones of Atascosa	Petsch
Jones of Falls	Quinn
Jones of Runnels	Reed of Bowie
Jones of Shelby	Roach of Angelina
Jones of Wise	Roach of Hunt
Lanning	Roark
Latham	Rogers
Leath	Settle
Lemens	Shofner
Lindsey	Steward
Lotief	Stovall
Lucas	Tennyson
Luker	Tillery
Mauritz	Venable
McConnell	Wells
McFarland	Westfall
McKinney	Wood of Harrison
Moffett	Youngblood
Morris	

Absent

Alexander	Jefferson
Calvert	Lange
Cooper	Leonard
Cowley	Olsen
Davis	Payne
Dickison	Pope
Dunlap of Kleberg	Riddle
Dwyer	Roberts
Greathouse	Smith
Hartzog	Spears
Herzik	Walker
Hill	Wood of Montague
Hyder	

Absent—Excused

Alsup	Keefe
Canon	Worley
Frazer	

Question recurring on the substitute amendment by Mr. Fox, it was adopted.

The amendment as substituted was then adopted.

Mr. Petsch offered the following amendment to the resolution:

Amend House Joint Resolution No. 1 by striking out all below the resolving clause and inserting the following:

"Section 1. That Article XVI of the Constitution of the State of Texas be amended by striking out Section 20a to Section 20e, both inclusive, and substituting in lieu thereof the following:

"Article XVI. Section 20. (a) It is hereby declared to be the policy of this State that the open saloon shall not be re-established. The sale of spirituous liquors, manufactured in whole or in part by means of the process of distillation and/or liquors

compounded and/or composed in part of such spirituous distilled liquors for private profit, is prohibited within this State excepting when such sale is made to the State. The State of Texas shall have exclusive authority to import, distribute, and sell such spirituous liquors. The Legislature shall pass laws to prescribe regulations relative to the manufacture, sale and possession of such spirituous liquors and establishment of State dispensaries.

"The sale of all liquors, the alcoholic content of which is entirely and exclusively the result of the fermentation process is hereby authorized under such restrictions as may be prescribed by law.

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct, or incorporated town or city, may, by a majority vote of those voting, determine from time to time whether the sale, manufacture, possession, transportation, or traffic in any form of such liquors for beverage purposes shall be prohibited within the prescribed limits; and such laws shall contain provisions for voting on the sale of such liquors of various types and various alcoholic content. The Legislature shall enact laws fully protecting and preserving the integrity of such dry territory.

"(c) In all counties in the State of Texas and in all political subdivisions thereof wherein the sale of such liquors has been prohibited by local option elections held under the laws of the State of Texas and in force at the time of taking effect of Section 20, Article XVI, of the Constitution, it shall continue to be unlawful to manufacture, sell, barter, exchange, give away, or transport, except through transportation commencing outside the limits of said county or political subdivision and ending outside said county or political subdivision, in any such county or in any such political subdivision thereof, any such spirituous, vinous, or malt liquors, or any other intoxicants whatsoever for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof, voting in an election held for such purposes, shall determine such to be lawful."

"Sec. 2. Such proposed constitutional amendment shall be submitted

to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas, on August 24, 1935, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

"For the amendment to the State Constitution permitting the sale of alcoholic beverages, and providing for local option."

"And those voters opposed to said proposed amendment shall write or have printed on their ballots the words:

"Against the amendment to the State Constitution permitting the sale of alcoholic beverages, and providing for local option."

"If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution."

"Sec. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State."

"Sec. 4. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expense of said publication and election."

Signed—Petsch, Jones of Wise, Moffett, Wood of Harrison, Gibson, Lindsey, Jones of Runnels, Cagle, Youngblood, Jones of Shelby, Tarwater, Roach of Angelina.

Question—Shall the amendment by Mr. Petsch be adopted?

INVITING HON. JAMES A. MOFFETT TO ADDRESS JOINT SESSION OF HOUSE AND SENATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 23, Inviting Hon. James A. Moffett to address a Joint Session of House and Senate.

Whereas, The Administrator for the Federal Housing Administration, the Hon. James A. Moffett, will be in Texas and in Austin on Monday, the eighteenth of March, on matters pertaining to the administration of the Federal Housing Act; and

Whereas, Mr. Moffett is charged with executive responsibility for the successful operation of the Federal Housing Act, and he has been responsible largely for the success attained thus far; and

Whereas, This session of the Legislature has been concerned with the enactment of numerous bills, the purpose of which was to secure for Texas the benefits to be derived from the Federal Act; and

Whereas, Mr. Moffett, because of his peculiar experience with the administration of this Act, is considered an authority on the subject; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Hon. James A. Moffett be invited and requested to address the Forty-fourth Legislature in Joint Session assembled in the Hall of the House of Representatives on Monday, the eighteenth day of March, at 10 o'clock in the morning; be it further

Resolved, That the Secretary of the Senate be instructed to communicate this invitation to Mr. Moffett; be it further

Resolved, That a joint committee of five members, two to be appointed by the Lieutenant Governor and three to be appointed by the Speaker of the House, be named to make such arrangements as may be deemed necessary for the proper reception of Mr. Moffett.

The resolution was read second time, and was adopted.

MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, March 8, 1935.

To the Forty-fourth Legislature:

I am vetoing and returning herewith House Bill No. 225 because I believe it is clearly unconstitutional. In connection with this veto, I make the following statement:

The bill attempts to authorize road districts composed of two or more counties to levy a tax in each county not to exceed 5 cents when said tax is first authorized by an election, the

proceeds of such tax to be used to secure rights of way and for the purpose of constructing and maintaining highways not maintained by the State Highway Department. This bill was introduced by request by the Representatives from the counties affected (Hudspeth and El Paso), and was intended to rectify certain conditions which arose under prior county administrations other than the one now in office.

The bill was not drawn either by the Representatives who introduced it or by the Attorney General's Department. In my judgment, there is no constitutional authority for road districts to levy a tax for the purposes set forth in the bill. Road districts derive their power to tax under the provisions of Section 52, of Article III, of the State Constitution, which only authorize, however, the issuance of bonds by authority of a vote of two-thirds of the resident property taxpayers and to levy a tax to pay the interest and provide a sinking fund for such bonds. This bill seeks to authorize the levy of a tax by a road district without the issuance of bonds.

Counties have the authority, under Section 9, of Article VIII, of the Constitution to levy a 15-cent tax for road and bridge purposes and an additional 15-cent tax for maintenance of public roads. No such authority, however, is given road districts; and in view of the decision of the Dallas Court of Civil Appeals in Commissioners Court of Navarro County vs. Pinkston et al., 295 S. W. 271, in which a writ of error was refused by the Supreme Court, I am of the opinion that this bill is so clearly unconstitutional that it is my duty to veto same.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

ADJOURNMENT

Mr. Westfall moved that the House recess to 2 o'clock p. m., today.

Mr. Dwyer moved that the House adjourn until 10:30 o'clock a. m., next Monday.

Mr. Hardin moved that the House adjourn until 10 o'clock a. m., next Monday.

Mr. Lotief moved that the House

adjourn until 10 o'clock a. m., Saturday, March 9.

Mr. McCalla moved that the House adjourn until 2 o'clock p. m., March 8.

The motion of Mr. Dwyer prevailed, and the House, accordingly, at 12:30 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, March 11.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Banks and Banking: House Bills Nos. 298 and 578.

Insurance: House Bills Nos. 522 and 626.

Revenue and Taxation: House Bill No. 483.

Constitutional Amendments: House Joint Resolution No. 15.

The Committee on Revenue and Taxation filed an adverse report, with a minority favorable report, on House Bill No. 245.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 474, "An Act relating to mining claims and rights, amending Article 5395, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5397, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, and providing royalties to be paid the State from minerals produced upon such claims; and amending Article 5397, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, providing for forfeiture of rights of locator or owner of mining claims by the Land Commissioner upon default of payment of any sum due within thirty (30) days after sum is due, or for making

false reports or failing or refusing access to records, or knowingly failing or refusing to give correct information, or to furnish Land Office correct reports; providing such forfeited claims and minerals shall be subject to sale in manner prescribed by law for sale of minerals; providing for setting aside forfeiture and reinstat-

ing claims and rights thereunder under certain conditions; suspending for a period of one year from the effective date of this Act all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

In Memory of
Mrs. A. P. Boyett

Mr. Stevenson offered the following resolution:

Whereas, Mrs. A. P. Boyett, the mother of Ernest Boyett, our efficient and valued Assistant Sergeant-at-Arms, has passed to her eternal reward at her home in Junction, Texas; therefore, be it

Resolved by the members of the House of Representatives of the Forty-fourth Legislature of the State of Texas, That we extend our most sincere and heartfelt sympathy to Ernest Boyett and his family in their bereavement, and that a copy of this resolution be printed in the Journal of the House, and that a copy be furnished his family; and be it further

Resolved, That the Chief Clerk of the House be instructed to send a suitable floral offering.

STEVENSON.

Signed—Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davison of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Caldwell, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.